

call continued. (See pages 1136 and 1137, Legislative Journal.)

SENATOR SAVAGE: Announce the vote, Mr. Clerk.

CLERK: 20 ayes, 20 nays, Mr. President.

SENATOR SAVAGE: The bill is indefinitely postponed. I am sorry. What did you say? Only 20, I thought you said 28. The motion fails. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I am going to renew my motion to advance this bill, and as I look at those who are absent today, I believe there would be enough votes to pass this bill. Based on what Senator Maxey has said, the Governor has indicated that even he believes something must be done in this area. This is not just a matter of me against Senator Rasmussen. Often these discussions on this issue boil down to that and I have wrestled with this problem. I have studied it. I have researched it, and if you read the transcriptions of the debate and the discussions, both in the committee and on this floor, you will see which side has taken the time to try to appeal to the sense of decency, to the ethical standards, to the religious principles, to all of the things which are supposed to mark a civilized society. I have referred to the ambivalence which exists in the criminal justice system itself, the system which sentences people to die, and they cannot make up their mind. The Justices of the U. S. Supreme Court have said, even those who have voted to uphold the death penalty, that it is a legislative matter, that if they were possessed with the power to legislate, they would introduce or support bills to abolish the death penalty because they sit day after day on homicide cases that come before them. Senator Schmit, they observe the arbitrariness. They observe the lack of any unifying principle which will explain why the few people are sentenced to die as opposed to the large number similarly situated who are not sentenced to die. Senator Rasmussen, you are right. We are dealing with human life and we are saying, if you adopt Senator Rasmussen's attitude, that if I, for some reason, should become so vicious that I would horribly mutilate another human being, the state ought to show an example to the youth of this nation of what the state's attitude should be and that attitude is to adopt my barbaric conduct as the conduct of the state. The state has a responsibility to transcend the pettinesses of the individual members of the society, of particular groups in the society. There are times that I have been out of agreement and out of sympathy with things that the U. S. Supreme Court has said, with things that the State Supreme Court has said, but in the same way that I have been critical because they have taken certain positions, I have to be for the Supreme Court being given the tools it needs to bring about justice in the hope that justice will someday be done, and perhaps someday better people will be in this Legislature and perhaps someday the people in this Legislature will show me by their example the things they talk to me about so much. Senator Rasmussen, I wish I could be in the position you can so easily assume where I praise those who have done good and don't have to carry the burden of those who are considered outside the pale of human sympathy and understanding. But if taking the position that I take makes me a heathen and a nonbeliever and a reprobate,